

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed August 17, 2004. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Trull. With respect to Independent Claim 1, there is recited ". . . if lower order queue locations are available, moving all higher order queue location contents to an adjacent lower order queue location per cycle until all lower order locations are filled . . .". By contrast, the Trull patent moves contents of particular higher order queue locations to non-adjacent lower order queue locations. Thus, the Trull patent does not move all higher order queue location contents to an adjacent lower order queue location as required by the claimed invention. The Examiner points to FIGURES 8A-C of the Trull patent to support the rejection of the claims. However, FIGURES 8A-C of the Trull patent clearly show that higher order queue locations are moved to non-adjacent lower order queue locations. For example, FIGURE 8B of the Trull patent shows the contents OP3 of storage location 206 being output from instruction queue 314. With storage location 206 now empty, FIGURE 8C shows the contents of a non-adjacent storage location 212 being directly placed into storage location 206 as opposed to adjacent storage location 208 within instruction queue 314. As a result, the Trull patent does not operate in accordance with the claimed invention. Therefore, Applicant respectfully submits that Claims 1-3 are not anticipated by the Trull patent.

With respect to Independent Claim 5, there is recited ". . . a plurality of 2:1 multiplexers interposed between said

registers such that one multiplexer is interposed between a higher order register and an adjacent lower order register” By contrast, the Trull patent merely shows 2:1 multiplexers disposed between rows of storage locations in an instruction queue so that the contents of one location can be placed three locations away. Thus, the Trull patent does not use 2:1 multiplexers to move register contents from a higher order register to an adjacent lower order register as required by the claimed invention. The Examiner points to FIGURES 8A-C of the Trull patent to support the rejection of the claims. However, FIGURES 8A-C of the Trull patent clearly show that higher order queue locations are moved to non-adjacent lower order queue locations. For example, FIGURE 8B of the Trull patent shows the contents OP3 of storage location 206 being output from instruction queue 314. With storage location 206 now empty, FIGURE 8C shows the contents of a non-adjacent storage location 212 being directly placed into storage location 206 as opposed to adjacent storage location 208 within instruction queue 314. As a result, the Trull patent does not operate in accordance with the claimed invention. Therefore, Applicant respectfully submits that Claims 5-7 are not anticipated by the Trull patent.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trull in view of Garcia, et al. Independent Claim 1, from which Claim 4 depends, has been shown above to be patentably distinct from the Trull patent. Moreover, the Garcia patent does not include any additional disclosure combinable with the Trull patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 4 is patentably distinct from the proposed Trull - Garcia, et al. combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trull in view of In re Yount. Independent Claim 5, from which Claim 8 depends, has been shown above to be patentably distinct from the Trull patent. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the Trull patent.

Claims 9-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Trull. Independent Claim 9 recites ". . . collapsing the arbitration queue by bringing all higher order entries into adjacent lower order locations in the queue to fill the idle location." The Examiner readily admits that the Meyers, et al. patent fails to teach a collapsible arbitration queue. The Examiner cites the Trull patent to support a collapsible queue. However, the Trull patent moves particular contents of higher order queue locations to non-adjacent lower order queue locations. Thus, the Trull patent does not move all higher order entries to adjacent lower order locations as required by the claimed invention. . The Examiner points to FIGURES 8A-C of the Trull patent to support the rejection of the claims. However, FIGURES 8A-C of the Trull patent clearly show that higher order queue locations are moved to non-adjacent lower order queue locations. For example, FIGURE 8B of the Trull patent shows the contents OP3 of storage location 206 being output from instruction queue 314. With storage location 206 now empty, FIGURE 8C shows the contents of a non-adjacent storage location 212 being directly placed into storage location 206 as opposed to adjacent storage location 208 within instruction queue 314. As a result, the Trull patent does not operate in accordance with the claimed invention. Therefore, Applicant respectfully submits that Claims 9-14 are patentably distinct from the proposed Meyers, et al. - Trull combination.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Trull and further in view of In re Yount. Independent Claim 9, from which Claim 15 depends, has been shown above to be patentably distinct from the proposed Meyers, et al. - Trull combination. Therefore, Applicant respectfully submits that Claim 15 is patentably distinct from the proposed Meyers, et al. - Trull combination.

The present Response to Examiner's Final Action is necessary to address the Examiner's characterization of the cited prior art. The present Response to Examiner's Final Action could not have been present earlier as the Examiner has only now provided a characterization of the cited prior art with respect to Applicant's previous Response to Examiner's Action.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

No additional fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees and/or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', with a stylized flourish at the end.

Charles S. Fish

Reg. No. 35,870

October 18, 2004

Correspondence Address:

2001 Ross Avenue, Suite 600

Dallas, Texas 75201-2980

Phone: (214) 953-6507

Customer Number: 05073